

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:15-cv-00081-FDW

ALLEN LITTLEJOHN, III, )  
Plaintiff, )  
v. )  
KARIS FITCH, )  
Defendant. )

## ORDER

**THIS MATTER** is before the Court on Plaintiff's motion for reconsideration of the order dismissing Plaintiff's pro se complaint filed pursuant to 42 U.S.C. § 1983. See (5:15-cv-00081, Doc. No. 11: Order). Plaintiff contends that the Court miscomprehended the facts surrounding his claim for deliberate indifference to his serious medical needs. The Court finds Plaintiff's renewed contentions regarding his medical treatment unpersuasive.

With regard to motions to alter or amend a judgment under Rule 59(e), the United States Court of Appeals for the Fourth Circuit has stated: “A district court has the discretion to grant a Rule 59(e) motion only in very narrow circumstances: ‘(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or to prevent manifest injustice.’” Hill v. Braxton, 277 F.3d 701, 708 (4th Cir. 2002) (quoting Collison v. Int’l Chem. Workers Union, 34 F.3d 233, 236 (4th Cir. 1994)). Furthermore, “Rule 59(e) motions may not be used to make arguments that could have been made before the judgment was entered.” Id. (internal citation omitted). Indeed, the circumstances under which a Rule 59(e) motion may be granted are so limited that “[c]ommentators observe

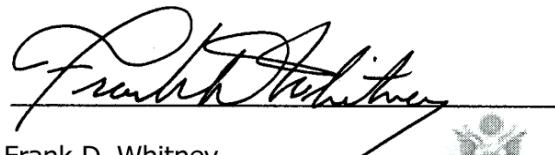
‘because of the narrow purposes for which they are intended, Rule 59(e) motions typically are denied.’’ Woodrum v. Thomas Mem’l Hosp. Found., Inc., 186 F.R.D. 350, 351 (S.D. W. Va. 1999) (quoting 11 Charles Alan Wright, et al., Federal Practice and Procedure § 2810.1 (2d ed. 1995)).

Petitioner has not shown the existence of the limited circumstances under which a Rule 59(e) motion may be granted. That is, Petitioner’s motion does not present evidence that was unavailable when he filed his motion to vacate, nor does his motion stem from an intervening change in the applicable law. Furthermore, Petitioner has not shown that a clear error of law has been made, or that failure to grant the motion would result in manifest injustice to him. See Hill, 277 F.3d at 708.

**IT IS, THEREFORE, ORDERED** that Plaintiff’s motion for reconsideration is **DENIED**. (Doc. No. 13).

**SO ORDERED.**

Signed: March 11, 2016



\_\_\_\_\_  
Frank D. Whitney  
Chief United States District Judge

